

IN THE MATTER OF THE
APPLICATION OF ROBERT V. SELBY,
ET UX FOR PETITION FOR SPECIAL
HEARING ON PROPERTY LOCATED ON
THE SOUTHEAST CORNER OF YORKWAY
AND ADMIRAL BOULEVARD, FOR
NONCONFORMING USE (2500 YORKWAY)
12th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-377-SPH

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying a nonconforming use for the sixth apartment in property identified as 2500 Yorkway but granting the nonconforming use for the fifth apartment in that same building. The case was heard this day in its entirety. The Petitioner presented Peggy Kajutti who testified that she and her husband purchased 2500 Yorkway in 1947 at which time it contained four apartments with no apartments in the basement. In 1952, she testified her husband converted one-half of the basement into the fifth apartment. The Board is of the opinion that this direct testimony authenticates the use of the building prior to 1955 as containing five apartments. Mr. Lawrence Bladen testified that he then purchased 2500 Yorkway from Ms. Kajutti in 1964 and immediately hired a contractor to convert the other half of the basement into the sixth apartment and entered same as Petitioner's Exhibit No. 1. When the contractor began work, Baltimore County issued a stop work order because no permit had been obtained. It was Mr. Bladen's testimony that he then applied for the permit and was issued same. Mr. Bladen then sold the property in 1981 and entered as Exhibit Nos. 3 and 4 the real estate listings identifying the property as a six apartment building. Mr. Joseph Nolan, Assistant Building Engineer, testified that his department does not retain building permits as far back as 1964. He, however, researched Baltimore County's plumbing inspector's records. Said records indicate that on September 11, 1964, the

Case No. 88-377-SPH
Robert V. Selby, et ux

normal plumbing that would be installed to create an apartment was approved by Baltimore County and entered Petitioner's Exhibit No. 6 authenticating this. The Board now has before it direct testimony that a building permit was applied for, that the property owner and the contractor had contact with the building inspectors, that the apartment was constructed, and that the proper plumbing permits for the same were approved. There was then testimony from Ms. Rose Sanford, a resident of 2500 Yorkway, that to her knowledge all apartments in this area are constantly rented. Mr. Robert V. Selby, property owner, testified that he purchased this site in July, 1984 and that it was advertised for sale as a six apartment building and that he purchased it fully dependent on it being a six apartment building. This concluded direct testimony in this case.

There is no dispute that these apartment buildings were erected prior to the enactment of Baltimore County Zoning Regulations. In 1945, the property was zoned D Residential which permitted this use. In 1955, the zoning designation of the site was changed to R.G. and since this use was already in existence thereupon became a nonconforming use. The sixth apartment added in 1964 is not in itself a nonconforming use. The Board is, however, impressed by the testimony and evidence presented that this apartment was constructed in good faith by the owner and that Baltimore County did in fact issue permits authorizing its use. The Board is also impressed with the testimony and evidence that this sixth apartment has been in existence and in constant use for some 25 years. The Board is of the opinion, after 25 years, that Baltimore County does not have the authority under Chapter 105 to deny its use. The Board is also of the opinion that, while the building dimensions have not been enlarged, the use of the basement as the sixth apartment could be classified as an intensification of a nonconforming use. The Courts have held that

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Robert V. Selby, et ux

an intensification of a nonconforming use is permissible so long as the nature and the character of the use is unchanged and that substantially the same facilities are used. After consideration of all the testimony and evidence presented the Board at this Hearing, the Board is of the opinion that the nonconforming use of the property identified as 2500 Yorkway be granted as a six apartment building.

ORDER

IT IS THEREFORE this 21st day of March, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Special Hearing to grant the nonconforming use of the property known as 2500 Yorkway as a six apartment building be and the same is GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
*
* CASE NO. 88-377-SPH
*
*
*
*** **

RETURN OF PRIVATE PROCESS SERVER

I hereby certify that I executed service of process pursuant to Maryland Rule 2-126(a) upon James Thompson on February 15, 1989, at Room 107, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and placed in his hands and left with him a copy of the Subpoena. I further certify that I am over eighteen (18) years of age and I am not a party of this suit.

David M. Nelson
Private Process Server

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct.

David M. Nelson
Private Process Server

89FEB 16 PM 2:18

RECEIVED
COUNTY BOARD OF APPEALS

LAW FIRM
ROMADKA,
GONTHEUM
& HENNIGAN
ESSEX, MARYLAND

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
*
* CASE NO. 88-377-SPH
*
*
*
*** **

RETURN OF PRIVATE PROCESS SERVER

I hereby certify that I executed service of process pursuant to Maryland Rule 2-126(a) upon Ted Zaleski, on February 15, 1989, at Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and placed in his hands and left with him a copy of the Subpoena. I further certify that I am over eighteen (18) years of age and I am not a party of this suit.

David M. Nelson
Private Process Server

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct.

David M. Nelson
Private Process Server

89FEB 16 PM 2:17

LAW FIRM
ROMADKA,
GONTHEUM
& HENNIGAN
ESSEX, MARYLAND

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
*
* CASE NO. 88-377-SPH
*
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*** **

RETURN OF PRIVATE PROCESS SERVER

I hereby certify that I executed service of process pursuant to Maryland Rule 2-126(a) upon Warren Bladen on February 6, 1989, at 40 Singer Road, New Freedom, PA 17349 and placed in his hands and left with him a copy of the Subpoena. I further certify that I am over eighteen (18) years of age and I am not a party of this suit.

David M. Nelson
Private Process Server

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct.

David M. Nelson
Private Process Server

89FEB 15 PM 2:43

LAW FIRM
ROMADKA,
GONTHEUM
& HENNIGAN
ESSEX, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING
SE/corner Yorkway and Admiral
Boulevard (2500 Yorkway)
12th Election District
7th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-377-SPH

Robert V. Selby, et ux
Petitioners

*** **

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of two basement apartments, one built in 1948, and one built in 1964, in an apartment dwelling with four (4) other apartments erected prior to 1943, all as more particularly described in Petitioner's Exhibits 1 through 4.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Frank S. Lee, Surveyor, and Peggy Kajutti. There were no Protestants.

Testimony indicated that the subject property, known as 2500 Yorkway and zoned D.R. 10.5, is currently improved with a six apartment dwelling unit. Mrs. Selby testified that they purchased the subject property in 1984 and at that time, six apartments existed. Subsequent to their purchase, they received notice from the Zoning Office that there was a question as to whether or not the six apartments were permitted as a nonconforming use and were advised that they needed to file a Petition for Special Hearing for a determination. Mrs. Selby testified that she searched the land records for Baltimore County and contacted the previous owners of the property since 1947.

Mrs. Kajutti testified that she and her husband purchased the subject property in 1947 and that at that time four apartments existed. Subsequently, in approximately 1952, her husband began building a fifth apartment in the basement which he worked on from time to time for a number of years. Mrs. Kajutti testified she believed the fifth apartment was completed prior to 1955. She

testified that up through the date she sold the apartment dwelling in 1954, all five apartments had been continuously occupied other than for brief periods of time during a change of tenants.

The Petitioner introduced as Petitioner's Exhibit 2 a notarized statement from Warren P. Bladen, Jr., which indicates that he owned the apartments from 1964 to 1984 and that he had the sixth apartment installed and rented it thereafter. Mrs. Selby indicated that Mr. Bladen planned to come but his wife was seriously ill which prevented him from attending. Mrs. Selby then introduced as Petitioner's Exhibit 3 a letter dated September 4, 1964 to Mr. Bladen from Charles B. Wheeler, Buildings Engineer with the Baltimore County Department of Permits and Licenses, which referenced an "apartment - alteration" and indicated approval of "construction plans" for the development of the building.

The Petitioners were given an opportunity at the hearing to submit affidavits evidencing that the apartments were occupied continuously and without interruption, other than for brief periods during a change of tenants, from 1964 to their purchase of the property in 1984. Said evidence was submitted and has been incorporated into the file.

Mrs. Selby testified that since their purchase of the property in approximately July, 1984, all six apartments have been occupied continuously. The Petitioners argued that although the sixth apartment was not constructed prior to the enactment of the 1955 zoning regulations, it should be permitted to continue as it was constructed after issuance of a permit by Baltimore County. The Petitioner indicated that they purchased the property in anticipation of being able to write off the income from the six apartments, that the purchase was an investment for their retirement, and that the denial of same would create an unreasonable hardship for them. The Petitioners further contended that the sixth apartment should be permitted as they had heard of others being allowed one more apartment as a permitted 25% expansion.

The Petitioners seek relief to Section 104.1 pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Under the 1945 zoning regulations, the subject property was zoned a "R" Residence Zone which would have permitted six apartments. However, the testimony in this case is that at best, five apartments were in existence prior to the 1945 regulations being modified in 1955. The testimony in this case was that one half of the basement level was converted to a sixth apartment in 1964. The Petitioners did not argue, nor is it the case that the zoning regulations in effect in 1964 permitted a six apartment dwelling as a matter of right. The Petitioners contend that they believe the sixth apartment may be permitted under the "25% expansion rule." The Petitioners had no statutory or legal reference to support their argument. The only applicable provision that the Petitioners may be referring to which this writer is aware of is Section 104.1 of the B.C.Z.R. which states the following:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five percent (75%) of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. [B.C.Z.R., 1955; Bill No. 18, 1976].

In my opinion, this Section does not permit a property owner to subdivide an existing building and create an additional separate and distinct apartment. This Section permits a property owner to add not more than 25% of the ground floor area to an existing nonconforming building, structure, or parcel. The Petitioners' argument that they may add another apartment to a permitted nonconforming five apartment dwelling because one apartment is not more than 25% of

five apartments is rejected as it is irrelevant. Section 104.1 is applicable when there is a change in the footprint of the building which is not the case here.

The Petitioners' argument that because a building permit was issued that the sixth apartment is permitted is also rejected. Exhibit 3 indicates that an "apartment - alteration" was approved. It does not evidence that the County authorized the addition of another apartment.

The spirit and intent underlying zoning regulations is to restrict rather than expand nonconforming uses. Grant v. Mayor and City Council of Baltimore, 212 Md. 301, 129 A2d, 363.

It is understood that the Petitioners bought the property believing and with the expectation of receiving income on the rental of six apartments and that it is the position of the Petitioners that if approval of their request is not granted, it will present a hardship for them. However, the standards set forth in Section 307 of the B.C.Z.R. to prove practical difficulty and/or unreasonable hardship are not applicable in this case. Further, the finding that the sixth apartment may not be used or rented as a separate apartment does not mean that the space cannot be used or rented by Petitioners in conjunction with another apartment in the building. The case law in Maryland is clear that intensification of a nonconforming use is permitted, but not an extension. Feldstein v. La Vale Zoning Board, 246 Md. 204, 227 A2d 731 (1967); Jahniger v. Staley, 245 Md. 130, 225 A2d 277 (1967). The renting of the space as a separate apartment is not mere intensification, but an invalid extension of a nonconforming use that would affect the density in the neighborhood.

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use of the subject property exists with respect to the five apartments constructed prior to the 1955 zoning regulations. However, the nonconforming use of the sixth apartment built in 1964 must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted as hereinafter modified.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of July, 1988 that the nonconforming use of the one basement apartment constructed in 1964 be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the nonconforming use of an apartment dwelling with one basement apartment built prior to 1955 and four (4) other apartments erected prior to 1943, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) Petitioners shall have all kitchen facilities removed from the denied basement apartment within 90 days of the date of this Order and shall make arrangements with the Zoning Enforcement Division of this Office for an inspection of the premises within 100 days of the date of this Order.
- 2) If Petitioners submit a copy of the existing lease agreement for the denied basement apartment within 31 days of the date of this Order and said lease has greater than 90 days remaining on the term, the Petitioners shall reserve their right to request additional time to comply with the terms of this Order by submitting proof of the steps taken to date and the reasons needed for an extension. Said request will be reviewed and, if deemed appropriate by the Deputy Zoning Commissioner, additional time will be given.
- 3) Petitioners shall submit a revised plan which shall reference this case and designate the location of the fifth basement apartment in relation to the front of the building within sixty (60) days of the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The existence of (1) basement apartment built in 1964 and (1) built in 1964
is an apartment house with (4) other suites erected prior to 1943, at
2500 Yorkway, Baltimore County, Maryland 21222. (6 units total)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert V. Selby
Signature	Robert V. Selby
Address	Bessie M. Selby
City and State	Bessie M. Selby
Attorney for Petitioner:	3477 Loganview Drive
(Type or Print Name)	Address
Signature	282-3871
Address	Phone No.
City and State	Baltimore County, Maryland 21222
Attorney's Telephone No.:	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Phone No.	Robert V. Selby
	3477 Loganview Drive
	Address
	282-3871
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of January, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 18th day of March, 1988, at 9 o'clock

Zoning Commissioner of Baltimore County.

Phone: 687-4922

FRANK S. LEE
Registered Land Surveyor

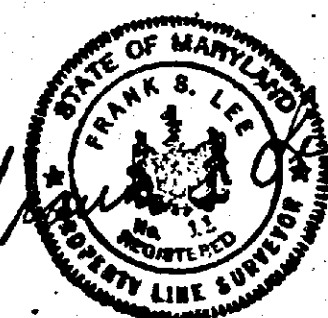
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

December 15, 1987

No. 2500 Yorkway
12th District Baltimore County, Maryland

Beginning for the same at the southeast corner of Yorkway and Admiral Blvd., thence running and binding on the south side of Yorkway by a line curving to the right with a radius of 1329 feet for a distance of 78.97 feet, thence leaving Yorkway and running South 25 degrees 33 minutes 44 seconds West 100.00 feet to the north side of a 14 foot alley, thence binding on the north side of said alley by a line curving to the left with a radius of 1229 feet for a distance of 60.23 feet to the east side of Admiral Blvd., and thence binding on the east side of Admiral Blvd. North 14 degrees 50 minutes 32 seconds East 100.47 feet to the place of beginning.

Containing 0.16 acres of land more or less.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Date of Posting: 2/24/88
Posted for: Special Hearing
Petitioner: Robert V. Selby, et al.
Location of property: 2500 Yorkway
Location of Sign: 2500 Yorkway, across 25th P. roadway
Remarks: Property of R. Selby
Posted by: J. Robert Haines
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

February 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #88-377-SPH - P.O. #97522 - Reg. #H11766 - 72 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive week before the 26th day of February 1988; that is to say, the same was inserted in the issues of Feb. 25, 1988

Kimbel Publication, Inc.
per Publisher.

By L. B. H.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 25, 1988

THE JEFFERSONIAN,

Susan Sedgewick Abbott
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing on the proposed petition for special hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, on the following date:
12th Election District - 7th Councilmanic District
Petitioners: Robert V. Selby, et al.
1) Hearing Date: Friday, 2/25/88
2) March 18, 1988 at 9:00 a.m.
Special Hearing: The existence of (1) basement apartment built in 1964 and (1) built in 1964 in an apartment house with (4) other suites erected prior to 1943, at 2500 Yorkway (6 units total).
FOR SNOW DATE CALL 494-3391
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
2015 Feb. 25

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 3-10-88

Mr. & Mrs. Robert V. Selby
3437 Loganview Drive
Baltimore, Maryland 21222

Re: Petition for Special Hearing
Case number: 88-377-SPH
SE/C Yorkway & Admiral Blvd.
(2500 Yorkway)
12th Election District - 7th Councilmanic District
Petitioners: Robert V. Selby, et al.
HEARING SCHEDULED: FRIDAY, MARCH 18, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Selby:

Please be advised that \$85.00 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

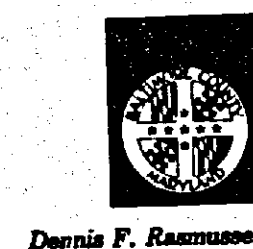
Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 3/19/88 ACCOUNT R-111-000
AMOUNT \$ 85.00
RECEIVED FROM Robert Selby, et al.
FOR Posting - 3/19/88
By L. B. H.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

JAN 21 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case number: 88-377-SPH
SE/C Yorkway & Admiral Blvd.
(2500 Yorkway)
12th Election District - 7th Councilmanic District
Petitioners: Robert V. Selby, et ux
HEARING SCHEDULED: FRIDAY, MARCH 18, 1988 at 9:00 a.m.

Special Hearing: The existence of (1) basement apartment built in 1948 and (1) built in 1964 in an apartment house with (4) other suites erected prior to 1943, at 2500 Yorkway (5 units total).

(FOR SNOW DATE, CALL 494-3391)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 47416

DATE 12/29/87 ACCOUNT 01-615

AMOUNT \$ 100.00

RECEIVED FROM: BESSIE SELBY

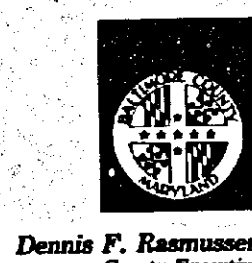
FOR: FINANCE FOR THE SPECIAL HEARING ITEM 238

8 8544*****100501a 229af

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

September 7, 1988



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SE/Corner Yorkway and Admiral Boulevard
(2500 Yorkway)
12th Election District, 7th Councilmanic District
Robert V. Selby, et ux - Petitioners
Case No. 88-377-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 9, 1988 by Robert V. Selby, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Robert V. Selby
3437 Loganview Drive, Balto., Md. 21222

Mr. Frank S. Lee - 1277 Neighbors Ave., Balto., Md. 21237

Ms. Peggy Kajutti - 2907 B. Duval Rd., Balto., Md. 21222

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

August 5, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

RECEIVED
AUG 9 1988
ZONING OFFICE

I would like to appeal the decision on Case No. 88-377-SPH.

Enclosed please find a check for \$75.00 for cost of the appeal and \$15.00 for posting of sign. Total of \$90.00.

Very Truly Yours,

Robert V. Selby

Robert V. Selby
3437 Loganview Drive
Baltimore, MD 21222

APPEAL

Petition for Special Hearing
SE/Corner Yorkway and Admiral Boulevard
(2500 Yorkway)
12th Election District - 7th Councilmanic District
ROBERT V. SELBY, ET UX - Petitioners
Case No. 88-377-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)
Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat of Block 6, Plat 4 - Dundalk
2.) Letter from Warren Bladen confirming number of apartments in building.
3.) Copy of Letter to Warren Bladen from Permits & Licenses regarding changes in the development of his building.
4.) Copy of Contract between Warren Bladen and Alan Lumber Co.

Deputy Zoning Commissioner's Order dated July 15, 1988 (Denied)

Notice of Appeal received August 9, 1988

cc: Mr. & Mrs. Robert V. Selby
3437 Loganview Drive, Balto., Md. 21222

Mr. Frank S. Lee - 1277 Neighbors Ave., Balto., Md. 21237

Ms. Peggy Kajutti - 2907 B. Duval Rd., Balto., Md. 21222

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

July 15, 1988

Mr. & Mrs. Robert V. Selby
3437 Loganview Drive
Baltimore, Maryland 21222

RE: Petition for Special Hearing
SE/Corner Yorkway and Admiral Boulevard (2500 Yorkway)
12th Election District, 7th Councilmanic District
Case No. 88-377-SPH

Dear Mr. & Mrs. Selby:

Enclosed please find the decision rendered in the above-referenced case. The petition for Special Hearing has been granted in part and is subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMH:bjs

Enclosures

cc: People's Counsel

File

James H. Thompson
Zoning Enforcement Supervisor
Ann M. Nastarowicz
Deputy Zoning Commissioner

July 15, 1988

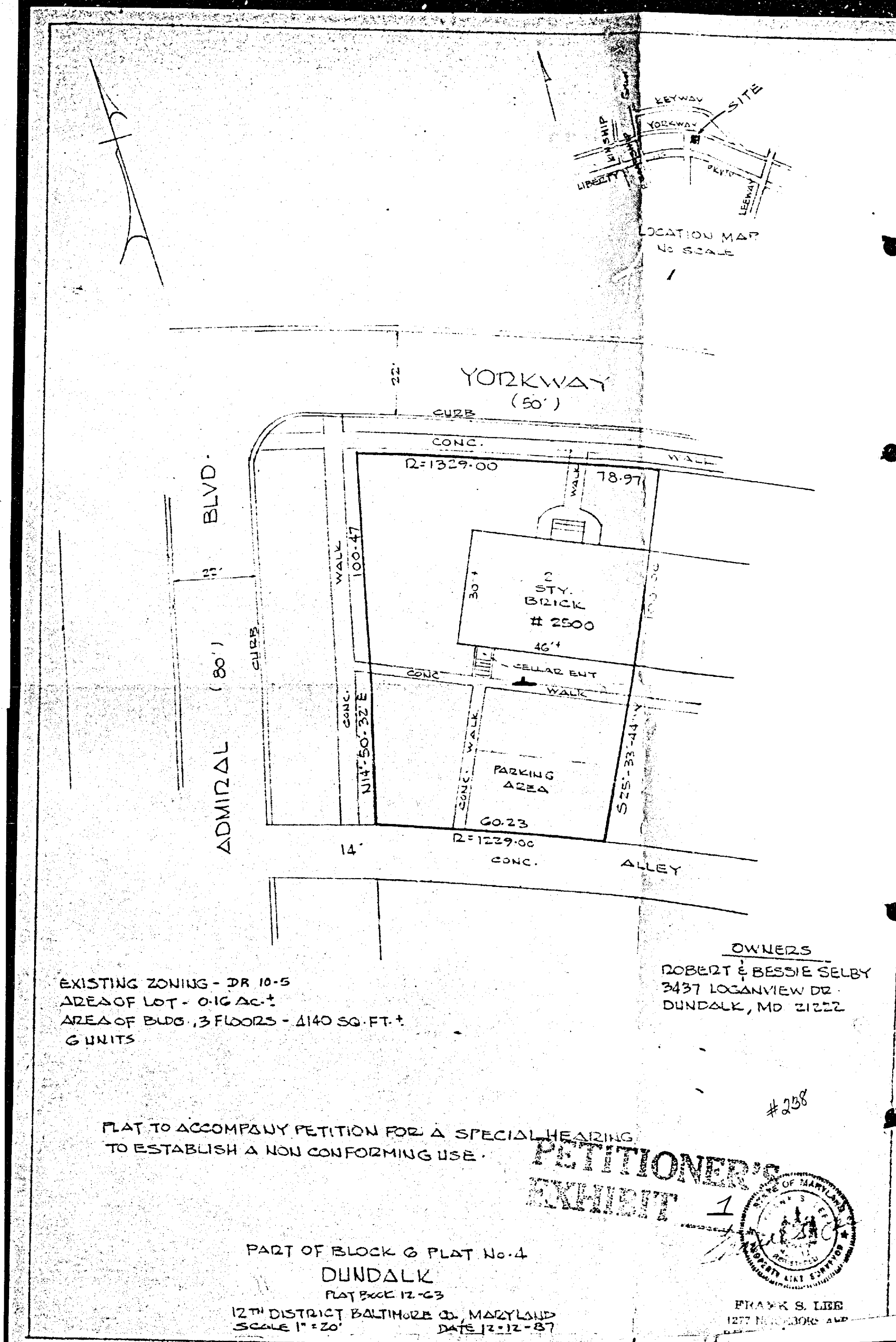
Robert V. Selby, et ux
Case No. 88-377-SPH
2500 Yorkway

Attached please find a copy of the decision rendered in the above-captioned matter. Please note in Restriction No. 1 that your staff will be involved in following up on this case.

Thank you for your attention in this matter.

AMH:bjs

cc: Case File



88-377-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of January, 1988.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Petitioner Robert V. Selby, et ux
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: February 22, 1988

FROM: P. David Fields
Director of Planning and Zoning

Zoning Petition Nos. 88-365-SPH, 88-342-SPH,
SUBJECT: 88-350-SPH, 88-376-SPH, 88-377-SPH, 88-387-SPH

RECEIVED
MAR 1 1988
ZONING OFFICE

In view of the subject of this petition, this office offers no comment.

David Fields per J. Haines
P. David Fields
Director

PDF:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-377-SPH

SUBPOENA

Please issue a Subpoena for the following:
Mr. James Thompson
Zoning Enforcement Coordinator
Room 107
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Returnable Wednesday, February 22, 1989 at 10:00 a.m.
County Board of Appeals for Baltimore County, Room 200, Court
House, Towson, Maryland 21204.

John O. Hennegan
John O. Hennegan, Esquire
Romadka, Gontum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

89 FEB 15 PM 2:50
RECEIVED
COUNTY BOARD OF APPEALS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Robert V. Selby
3437 Loganview Drive
Baltimore, Maryland 21222

RE: Item No. 238 - Case No. 88-377-SPH
Petitioner: Robert V. & Bessie M. Selby
Petition for Special Hearing

Dear Mr. & Mrs. Selby:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:cer
Enclosures

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-377-SPH

SUBPOENA

Please issue a Subpoena for the following:
Ms. Peggy Kajutti
2907 B. Duval Road
Baltimore, Maryland 21222

Returnable Wednesday, February 22, 1989 at 10:00 a.m.
County Board of Appeals for Baltimore County, Room 200, Court
House, Towson, Maryland 21204.

John O. Hennegan
John O. Hennegan, Esquire
Romadka, Gontum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

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COUNTY BOARD OF APPEALS

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

February 18, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 236, 237, 238 and 239.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

NSF/pml-b

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-377-SPH

SUBPOENA

Please issue a Subpoena Duces Tecum for the following:
Mr. Ted Zaleski, Jr., Director
Department of Permits & Licenses
Room 100
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

to be present and testify beginning at 10:00 a.m.
on February 22, 1989, County Board of Appeals for
Baltimore County, Room 200, Court House, Towson,
Maryland 21204, and to bring with you all permits,
records, documents, licenses pertaining to 2500 Yorkway,
Twelfth District, Work No. 443-64.

John O. Hennegan
John O. Hennegan, Esquire
Romadka, Gontum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

89 FEB 15 PM 2:48
RECEIVED
COUNTY BOARD OF APPEALS

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

January 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Robert V. and Bessie M. Selby
Location: SE/C Yorkway and Admiral Blvd.
Item No.: 238
Zoning Agenda: Meeting of 1/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* 1-11-88 Noted and Approved: *John F. O'Dell*
Planning/Group Fire Prevention Bureau
Special Inspection Division

/j1

RECEIVED
COUNTY BOARD OF APPEALS
89 JAN 25 PM 3:40

ROBERT V. SELBY, et ux

* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* CASE NO. 88-377-SPH

SUBPOENA

Please issue a Subpoena for the following:
Warren Bladen
40 Singer Road
New Freedom, PA 17349

Returnable Wednesday, February 22, 1989 at 10:00 a.m.
County Board of Appeals for Baltimore County, Room 200, Court
House, Towson, Maryland 21204.

John O. Hennegan
John O. Hennegan, Esquire
Romadka, Gontum & Hennegan
809 Eastern Boulevard
Essex, Maryland 21221
686-8274

LAW FIRM
ROMADKA,
GONTUM
& HENNEGAN
ESSEX, MARYLAND

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: James Dyer, Zoning Supervisor
FROM: James Thompson, Zoning Enforcement Coordinator
SUBJECT: Item No. 238 (if known)
Date: January 6, 1988
(if known)

VIOLATION CASE # C-88-901
LOCATION OF VIOLATION 2500 Yorkway
DEFENDANT Robert V. & Bessie M. Selby
ADDRESS 3437 Loganview Avenue, Baltimore, MD 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

9/30/88 - Following notified of hear. set for Tues. Dec. 27, 1988, at 10 a.m.

Mr. and Mrs. R. Selby
Mr. Frank Lee
Ms. Peggy Kajutti
A. Jablon, N. West
David Fields
Robt. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

Nov. 17, 1988 - Above notified of postponement to Wed. Feb. 22, 1989, at 10 a.m.

Whom It May Concern:
I Warren Bladen, bought the 2500 Yorkway apartment building on April 17, 1964. At that time there were five apartments in the building. Two on first floor, two on second floor, and one in the basement.
I had a building contractor put in the sixth apartment on the second floor. I then rented the property as a six apartment building after that.

SUBSCRIBED AND SWORN TO BEFORE ME
MAR 14 1988
NEW FREEDOM BLDG. YORK CO. PA.
MY COMM. EXPIRES: FEB 14 1989

PETITIONER'S
EXHIBIT 2

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
November 17, 1988
HEARING ROOM #218
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-377-SPH ROBERT V. SELBY, ET UX
2500 Yorkway
12th District
SPH-Nonconforming use (apts.)
7/15/88 - Nonconform. use DENIED;
FURTHER ORDERED that nonconforming use of an apt. dwelling w/one basement apt. erected prior to 1955 and 4 other apts. erected prior to 1943, be GRANTED, sub. to restrictions.
The above case set for hearing on TUESDAY, DECEMBER 27, 1988, at 10 a.m., HAS BEEN POSTPONED by the Board at the request of Counsel for the Selbys, and REASSIGNED FOR: WEDNESDAY, FEBRUARY 22, 1989, at 10 a.m.
cc: John Hennegan, Esq. Counsel for Petitioners
Mr. and Mrs. Robert Selby Petitioners
Mr. Frank S. Lee
Ms. Peggy Kajutti
Arnold Jablon Office of Law
P. David Fields Planning
J. Robert Haines Zoning
Ann Nastarowicz
James Dyer
Docket Clerk
June Holmen, Secretary

LAW FIRM
Romada, Latham & Hennegan
IRVINGTON FEDERAL BUILDING
400 EASTERN F. BLVD.
BROOK, MARYLAND 21221
TELEPHONE (301) 494-3180

November 15, 1988

June Holmen, Secretary
County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 88-377-SPH
Robert V. Selby, et ux

Dear Ms. Holmen:

Please be advised that I have been retained to represent Mr. and Mrs. Robert Selby in reference to the above matter. A hearing is presently scheduled for Tuesday, December 27, 1988 at 10:00 a.m. Please note that I was informed today that our witnesses will be out of town on December 27th due to the holidays and will be unable to testify on behalf of Mr. and Mrs. Selby. I would, therefore, request that you reschedule the above matter and advise me accordingly.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

John O. Hennegan

JOH:kb
cc: Mr. Frank Lee
Arnold Jablon, Esquire
Nancy West, Esquire
P. David Fields

Rec'd 11/16/88
3/11 CBA g.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

HEARING ROOM -
Room 301, County Office Building

APPEAL HEARINGS SCHEDULED FOR
THE WEEK OF FEBRUARY 20, 1989

Tuesday 2/21 10:00 a.m. STEPHEN HUBER, et ux
#88-254-SPH Lots 1, 2 & 3, N/S Halcyon Road
3rd E; 2nd C
SPH - nonconforming use - one apartment only
Wednesday 2/22 10:00 a.m. ROBERT V. SELBY, et ux
#88-377-SPH SE/cor Yorkway and Admiral Boulevard (2500 Yorkway)
12th E; 7th C
SPH - nonconforming use - apartments

Thursday 2/23 HEARING ROOM NOT AVAILABLE FOR CBA HEARING.

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (3)
Docket Clerk - Zoning

DEPARTMENT OF PERMITS AND LICENSES
BUILDINGS DIVISION
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

September 4, 1964

Re: Twelfth District
Work No. 443-44
Apartment - Alteration

Mr. Warren P. Bladen
2500 Yorkway (86 Yorkway)
Baltimore 22, Maryland

Dear Sir:
Your construction plans have been approved with the corrections listed below. Your cooperation is required in the incorporation of these changes in the development of your building.

Structural, Architectural and Mechanical

The approval of this application is based on the field inspector being responsible to see that the existing building and the alterations to the same shall meet the Baltimore County Building Code.

Comments from other County Departments must be resolved before the building permit can be issued. Should you have any further questions regarding this matter, it is suggested that you contact Mr. C. Elmer Hoppert, Structural Plans Review, Room 111, 823-3000, extension 594.

Very truly yours,

Charles P. Wheeler

PETITIONER'S RECEIVED
EXHIBIT 3
SEP 4 1964
DEPT. PERMITS & LICENSES
OF BALTIMORE COUNTY

CCW:mc
cc: Buildings Inspector
Alan Lumber Company
614 N. Eutaw Street, Balto.1

614 N. Eutaw St.
Baltimore 1, Md.
Plans 2-7666

ALAN LUMBER CO.

Specialists
Club Cellars
Attica - Porches

Town: BALTO Date: 9/4/64
Contract for: 12th District
No. 443-44 (City, Town or Borough) (Telephone)
situated at
No. 443-44 (Street) (City, Town or Borough) (Telephone)
REMARKS - Workmen's Compensation and Public Liability Insurance are carried on all work.

ALL WORK GUARANTEED FOR ONE YEAR

1. The contractor shall complete the work within the time specified in the contract.
2. The contractor shall maintain the work area in a safe condition at all times.
3. The contractor shall protect the existing building and its contents from damage.
4. The contractor shall provide for the safety of the public at all times.
5. The contractor shall provide for the safety of the workmen at all times.
6. The contractor shall provide for the safety of the materials at all times.
7. The contractor shall provide for the safety of the equipment at all times.
8. The contractor shall provide for the safety of the tools at all times.
9. The contractor shall provide for the safety of the materials at all times.
10. The contractor shall provide for the safety of the equipment at all times.

11. The contractor shall provide for the safety of the materials at all times.
12. The contractor shall provide for the safety of the equipment at all times.
13. The contractor shall provide for the safety of the tools at all times.
14. The contractor shall provide for the safety of the materials at all times.
15. The contractor shall provide for the safety of the equipment at all times.

16. The contractor shall provide for the safety of the materials at all times.
17. The contractor shall provide for the safety of the equipment at all times.
18. The contractor shall provide for the safety of the tools at all times.
19. The contractor shall provide for the safety of the materials at all times.
20. The contractor shall provide for the safety of the equipment at all times.

21. The contractor shall provide for the safety of the materials at all times.
22. The contractor shall provide for the safety of the equipment at all times.
23. The contractor shall provide for the safety of the tools at all times.
24. The contractor shall provide for the safety of the materials at all times.
25. The contractor shall provide for the safety of the equipment at all times.

26. The contractor shall provide for the safety of the materials at all times.
27. The contractor shall provide for the safety of the equipment at all times.
28. The contractor shall provide for the safety of the tools at all times.
29. The contractor shall provide for the safety of the materials at all times.
30. The contractor shall provide for the safety of the equipment at all times.

31. The contractor shall provide for the safety of the materials at all times.
32. The contractor shall provide for the safety of the equipment at all times.
33. The contractor shall provide for the safety of the tools at all times.
34. The contractor shall provide for the safety of the materials at all times.
35. The contractor shall provide for the safety of the equipment at all times.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-377-SPH

District: 12th Date of Posting: 9/4/88
Posted for: Appeal
Petitioner: Robert V. Selby, et ux
Location of property: SE/cor Yorkway & Admiral Blvd
Location of Sign: Facing Yorkway, approx. 75' E. to 1st E. side
Remarks: as property of Baltimore
Posted by: Millerby Date of return: 9/20/88
Number of Signs: 1



Standard Contract of Sale

Published by
The Greater Baltimore Board of Realtors, Inc.

This is a Legally Binding Contract; If Not Understood, Seek Competent Advice.

Estelle K. Milio Realty, Inc.

6820 Halabird Avenue

Balto, Md. 21222

This Agreement of Sale, made this August day of August

nineteen hundred and eighty one, between _____ Seller, and

Charles P. Freitag Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Balto County State of Maryland and being known as 2500 Yorkway (21222) and being sold in Fee Simple. Lot Size- 78' x 147' m/l. Title Reference: Liber-4302 Folio- 291 Inclusions- five refrigerators, six ranges, all furniture in basement apts, washer & dryer in basement, storm windows, and all fixtures of a permanent nature. W.C. M.P.B.

at and for the price of Sixty Five Thousand Dollars Dollars (\$ 65,000) of which One Hundred Dollars Dollars (\$ 100.00)

have been paid prior to the signing hereof, and the balance to be paid as follows: Nine Hundred Dollars (\$900.00) upon acceptance of this contract by Seller. An additional Fifteen Thousand (\$15,000) to be paid in cash or certified check at the time of settlement which shall occur on or before thirty(30) days from the date of this contract. The balance to be repaid by way of a Direct Reduction Conventional Mortgage at the best prevailing rate of interest and terms. This contract is contingent upon the Buyer obtaining financing within 20 days from the date hereof and making application for said financing within 2 days. If financing is unavailable then this contract shall be declared null and void and all deposit money returned. Buyer and Seller each agree to split placement fees, not to exceed 2% total. This contract is contingent upon the Buyer seeing all utility bills and all operating expenses coinciding with information on MLS- # 27870-2. Termite Clause: Seller agrees to furnish, at Buyer's expense, a certificate from a reputable pest control company stating that the property is free of termite infestation and if infestation exists, Seller agrees to have the property treated and all damage (if any) repaired at Seller's expense.

Warranty Deed Upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

Title Title to the property shall be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Adjustments Ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other benefit charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether assessments have been levied or not as of date of settlement.

(over)

7/12 #3

Possession Possession of the premises shall be given to Buyer as of date of settlement.

Risk of Loss The herein described property is to be held at the risk of the Seller until legal title has passed or possession has been given to Buyer. If, prior to the time legal title has passed or possession has been given to Buyer, all or a substantial part of the property is destroyed or damaged, without fault of the Buyer, then this contract, at the option of the Buyer, shall be null and void and of no further effect, and all monies paid hereunder shall be returned promptly by Seller to Buyer.

Insurance It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests may appear, and shall continue said insurance in force during the life of this Contract. In the event it shall be determined by the Buyer that the property is inadequately insured by the Seller, the Buyer shall have the right, at Buyer's option and expense, to obtain such insurance, or additional insurance, as shall be satisfactory to Buyer.

Entire Agreement This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written.

Time of Essence Time shall be of essence of this Agreement.

Stamps, Recordation and Transfer Taxes The cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally between the parties hereto.

Agency The Seller recognizes Century 21- Unistat Realty Realtor, as the listing broker negotiating this contract and agrees to pay said Realtor a brokerage fee for services rendered in the amount provided for in the listing contract.

The marginal captions of this Contract are for convenience and reference only and in no way define or limit the intent, rights or obligations of the parties hereunder.

The parties hereto hereby bind themselves, their heirs, personal representatives, successors and assigns for the faithful performance of this Contract.

Witness the hands and seals of the parties hereto the day and year first above written.

Witness Lilly E. Lelley (SEAL) Charles P. Freitag (SEAL)
Witness Catherine L. Baker (SEAL) Margaret B. Bladen (SEAL)
Witness Catherine L. Baker (SEAL) Margaret B. Bladen (SEAL)
Witness _____ (SEAL)
Witness _____ (SEAL)

NOTICE TO BUYER: If the property being purchased hereunder is an unimproved parcel of land, intended to be used for residential purposes, you should, before signing this contract, consult the appropriate public authorities to ascertain whether public sewerage and water facilities are available, or, if not, whether the property will be approved by such authorities for the installation of a well and/or private sewage disposal system.

NOTICE TO BUYER: You are entitled to select your own Title Insurance Company, Settlement Company, Escrow Company or Title Attorney.

INCOME PROPERTY

PUBLISHED BY THE CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC. THIS DESCRIPTIVE INFORMATION, THOUGH BELIEVED ACCURATE, IS NOT GUARANTEED.

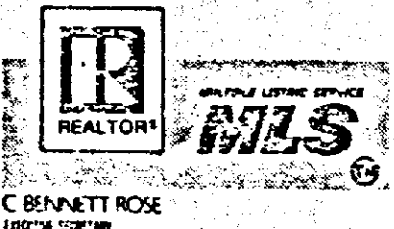
FORM LD.

ADDRESS <u>2500 Yorkway</u>	LIST NO. <u>21222</u>	SALE PRICE <u>\$65,000.00</u>
NEIGHBORHOOD <u>Dundalk</u>	COUNTY <u>Baltimore</u>	GR. RT. Fee
BALTO. CITY YES () NO (X) ZONING	USE DISTRICT	POSSESSION <u>Settlement</u>
BUILDING <u>Multi-Family</u>	FINANCIAL INFORMATION	
DESIGN <u>Brick</u> BLDG. SQ. FT.	SCHEDULED \$	
AGE <u>40 yrs.</u> # OF FLOORS <u>2.5</u>	ACTUAL \$ <u>13,860.00 approx.</u>	MORTGAGEE <u>Provident Savings Bank</u>
ELEV. <u>No</u> TYPE AIR COND. <u>None</u>	OPERATING EXPENSES:	BALANCE \$ <u>5,548.79</u>
TYPE HEAT <u>Radiator</u> FUEL <u>Oil</u>	TAXES <u>\$960.34</u>	INT. RATE <u>5 3/4</u> YRS. TO GO <u>2 years</u>
BASEMENT <u>Yes</u>	INSURANCE <u>\$600.00 per year</u>	CAN BE PREPAID
SITE	UTILITIES <u>\$3,500.00 per yr. approx.</u>	CAN BE ASSUMED
LOT SIZE <u>78' x 147' m/l</u>	SUPPLIES	ANNUAL P & I \$
GAS <u>Yes</u> WATER <u>Yes</u> SEWER <u>Yes</u>	CONTRACT SERVICES	OTHER MORTGAGE \$
PARK NO. OF CARS <u>4 Cars in back</u>	PROFESSIONAL SERVICES	PRM. AVAILABLE
PUBLIC UTILITIES	PAYROLL	TITLE REF: LIBER <u>4302</u> FOLIO <u>291</u>
	REPAIRS	WILL EXCHANGE? <u>NO</u>
WATER	MAINTENANCE	LEASE INFO <u>Now used as 6 apts. units</u>
GAS	OTHER EXP.	<u>2 Renting for \$200.00, 2 Renting for \$185.00, and 2 Renting for \$160.00/5 refrigerators, 6 ranges</u>
ELECTRIC	TOTAL OPER. EXP.	<u>Some furniture in basement apts.</u>
HEAT	NET INCOME	
AIR COND.	ASSESSMENTS	
JANITOR	LAND \$ <u>4,320.00</u>	
TAKES	IMPROVEMENTS \$ <u>17,300.00</u>	
	PERM. PROP. \$	

REMARKS: Washer & Dryer in basement; storm windows; new pavement in front; separate meters for 5 apts; Excellent condition

L.A. Catherine L. Baker PHONE 282-4524 RATE 282-3355 SR 4270 DATE AUG 18 1981

REALTOR Century 21, Unistat Realty NO 4270 PHONE 282-3355 SR 4270 DATE AUG 18 1981



CENTRAL MARYLAND
MULTIPLE LISTING SERVICE, INC.

1501 MOUNT ROYAL AVENUE / BALTIMORE MARYLAND 21217
(301) 462-5100

Your property has been multiple listed as shown above. Through the computer terminals of the M.L.S. division, the above information is immediately available to all members. All communications regarding your contract should be with your Realtor.

Warren P. Bladen, Sr.
Margaret B. Bladen
40 Singer Road
New Freedom, Pa. 17349

7/12 #4

FIXTURES ON PREMISES															
AT TIME OF CONNECTION							AFTER ALTERATIONS								
	W.C.	B.T.	S.	U.	S.M.	W.T.	Misc.	W.C.	W.B.	B.T.	S.	U.	S.M.	W.T.	Misc.
Yard															
Basement	1	1	1	0		2									
1st Floor	2	2	2	2											
2nd Floor	2	2	2	2											
3rd Floor															
4th Floor															

Remarks:

7/11/64 Added 1 floor - 1 B.T. - 1 U.C. - 1 K.S.
E. R. Thomas

Remarks: 7/14/81 added 1 apt - 1 BT - 1 WC - 1 KS
E. R. Thomas

F-11-B	DUNDALK
Ass. No. <u>70611</u>	to M. H. <u>80617</u>
Owner <u>WM. E. KAJUTTI</u>	Annual Service \$ <u>37.92</u>
Property <u>2500 YORKWAY</u>	Class. <u></u>
Between <u></u> And <u></u>	Depth <u></u>
Conn. is <u></u>	Depth <u></u>
V-Branch is at <u></u>	Ln. Ft. <u></u>
No. Fixtures <u></u> Fixture Units <u></u> Ledger Entry by <u></u> on <u></u>	
Order No. <u></u> Issued <u></u> 10 <u></u> Permit Issued <u></u> 19 <u></u>	
Conn. Made <u></u> 19 <u></u> Plumber <u>W. J. Martin</u>	
Remarks <u></u>	

12